

REMARKS

Claims 3 and 4 are presently in the application. Claims 1 and 2 have been canceled.

Claims 3 and 4 have been rejected under 35 U.S.C. 101 as claiming the same invention as that of co-pending application No. 10/565,561.

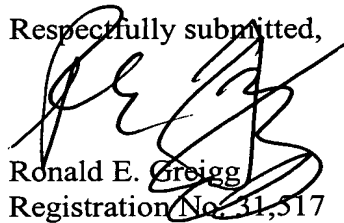
The test for double patenting under 35 U.S.C. 101 is whether the claim in one of the applications could be literally infringed without literally infringing a corresponding claim in the other application. See MPEP 804.

Claim 3 in the present application calls for the direction of the **opening** movement of the movable valve member coinciding with the direction of fuel flowing out of the control chamber. Claim 3 of application No. 10/565,561 (R.305745) calls for the direction of the **closing** motion of the movable valve part matching the direction of fuel flowing out of the control chamber. Obviously, claim 3 in the present application could be literally infringed without literally infringing claim 3 in application No. 10/565,561 (R.305745). Therefore, the claims of the present application are **not** claiming the same invention as that claimed in application No. 10/565,561. Withdrawal of the rejection is requested.

Appl. No. 10/565,388
Amdt. dated Mar. 1, 2007
Reply to Office action of Dec. 1, 2006

Entry of the amendment and allowance of the claims are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Greigg', is written over the printed name and registration number.

Ronald E. Greigg
Registration No. 31,517
Attorney of Record
CUSTOMER NO. 02119

GREIGG & GREIGG, P.L.L.C.
1423 Powhatan Street, Suite One
Alexandria, VA 22314
Tel. (703) 838-5500
Fax. (703) 838-5554

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